IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 313 OF 2004.

Kamlesh Karsandas Joshi. ..Plaintiff.

VERSUS.

Jayesh Ramchandra Barot. ..Defendant.

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C. N. Mehta Advocate for the plaintiffs.

None for the defendants.

Coram: V.M.KANADE, J.
Date: August 25, 2004.

P.C.

1. The plaintiff seeks an ex-parte decree against the defendant in terms of the prayer clause. The defendant was served, yet none appears on behalf of the defendant. No appearance has been filed by the defendant in spite of the service. The clerk in the office of Sherrif of Mumbai has filed the affidavit stating that RPAD packet containing the duplicate writ of summons and true copy of the plaint was sent to the defendant on 26th February 2004. The said packet, however, was received undelivered from the Postal authorities on 17th March 2004 with a remark "Not Claimed". The plaintiff has filed original documents which are marked as Exhibit "A"-colly. The suit is

based on a cheque which was issued by the defendant in favour of the plaintiff which was dishonoured.

2. Under the circumstances, the plaintiff is entitled to a decree in terms of prayer clause (a). The suit is accordingly decreed in terms of prayer clause-(a). The plaintiff shall be entitled to the refund of court fees as permissible under the rules.

. Certified copy expedited.

(V.M.KANADE,J.)

/2004/c.